

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHABTAI SCOTT SHATSKY, individually and :
as personal representative of the Estate of Keren :
Shatsky, JO ANNE SHATSKY, individually and :
as personal representative of the Estate of Keren :
Shatsky, TZIPPORA SHATSKY SCHWARZ, :
YOSEPH SHATSKY, SARA SHATSKY :
TZIMMERMAN, MIRIAM SHATSKY, DAVID :
RAPHAEL SHATSKY, GINETTE LANDO :
THALER, individually and as personal :
representative of the Estate of Rachel Thaler, :
MICHAEL THALER, individually and as :
personal representative of the Estate of Rachel :
Thaler, LEOR THALER, ZVI THALER, ISAAC :
THALER, HILLEL TRATTNER, RONIT :
TRATTNER, ARON S. TRATTNER, :
SHELLEY TRATTNER, EFRAT TRATTNER, :
HADASSA DINER, Yael HILLMAN, :
STEVEN BRAUN, CHANA FRIEDMAN, :
ILAN FRIEDMAN, MIRIAM FRIEDMAN, :
YEHIEL FRIEDMAN, ZVI FRIEDMAN and :
BELLA FRIEDMAN, :
:

Plaintiffs, :

v. :

THE PALESTINE LIBERATION :
ORGANIZATION, and THE PALESTINIAN :
AUTHORITY (a/k/a “THE PALESTINIAN :
INTERIM SELF-GOVERNMENT :
AUTHORITY” and/or “THE PALESTINIAN :
NATIONAL AUTHORITY”), :

Defendants. :

Case No. 1:18-cv-12355-MKV

Hon. Mary Kay Vyskocil

**DECLARATION OF ABBE DAVID LOWELL IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

DECLARATION OF ABBE DAVID LOWELL

I, Abbe David Lowell, hereby declare as follows:

1. I am a partner at Winston & Strawn LLP, counsel for Plaintiffs in this matter. I am over the age of eighteen years old and I have personal knowledge of the matters set forth herein, and if called upon as a witness I could competently testify thereto. I make this declaration in support of Plaintiffs' Opposition to the Palestine Liberation Organization's ("PLO") and the Palestinian Authority's ("PA," collectively with PLO, "Defendants") Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the letter dated Sept. 9, 1993, from Yasser Arafat to Yitzhak Rabin.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a judgment from the Tel-Avi-Jaffa District Court in the Amos v. Bezeq matter, included with an English translated version.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a video titled "Oslo success was intifada Ziya Abu Ein," available at <https://www.youtube.com/watch?v=HhDEK2miQHc> (last accessed Oct. 4, 2021).

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Statement of Account for Mohamed Zayd, issued by the Palestinian Ministry of Finance on June 12, 2012, included with an English translated version.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Personal Annual Report for Raed Nazal, issued by the Palestinian Ministry of Interior and National Security on Sept. 5, 2012, included with an English translated version.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Security Report for Raed Nazal, issued by the Palestinian Public Security on Sept. 9, 1999, included with an English translated version.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Statement of Payments for Sadeq Hafez's beneficiary, issued by the Palestiniant National Authority on May 2, 2013, included with an English translated version.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of ArieH Dan Spitzen, dated Oct. 3, 2021.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Declaration of Ronni Shaked, dated Oct. 3, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the excerpts from the Sept. 12, 2012 transcript of the Deposition of Ibrahim Dahbour, who was designated as a Fed. R. Civ. P. 30(b)(6) witness for Defendants.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the excerpts from the July 29, 2021 transcript of the Deposition of Farid Ghannam, who was designated as a Fed. R. Civ. P. 30(b) witness for Defendants.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the excerpts from the July 30, 2021 transcript of the Deposition of Farid Ghannam, who was designated as a Fed. R. Civ. P. 30(b) witness for Defendants.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the excerpts from the July 27, 2021 transcript of the Deposition of Abdel Jabbar Salem, who was designated as a Fed. R. Civ. P. 30(b) witness for Defendants.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the excerpts from the July 28, 2021 transcript of the Deposition of Abdel Jabbar Salem, who was designated as a Fed. R. Civ. P. 30(b) witness for Defendants.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the PFLP.ps publication, titled “The Istishhad of the Commander of the Abu Ali Moustafa Brigades in Qalqilya, Raed Nazal,” included with an English translated version.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the Ali Sadeq’s Writing, included with an English translated version.

18. Attached hereto as **Exhibit 17** is a true and correct copy of a video titled “The Intifada was planned by Yasser Arafat,” published by the Palestinian Media Watch.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a video titled “Suha Arafat The 2000 Intifada Was Premeditated, Planned by Arafat” Video, available at <https://www.youtube.com/watch?v=CZ-9vBr3q9k&t=3s> (last accessed Oct. 4, 2021).

20. Attached hereto as **Exhibit 19** is a true and correct copy of the Declaration of Matthew Levitt, dated Sept. 27, 2021.

21. Attached hereto as **Exhibit 20** is a true and correct copy of a report issued by the Israel Security Agency in 2007, included with an English translated version.

22. Attached hereto as **Exhibit 21** is a true and correct copy of Report 1 Pursuant to Title VIII of Public Law 101-246.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the publication titled “The Involvement of Arafat, PA Senior Officials and Apparatuses in Terrorism against Israel: Corruption and Crime,” issued by the Israel Ministry of Foreign Affairs, on May 6, 2002.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the publication titled “International Financial Aid to the Palestinian Authority Redirected to Terrorist elements,” issued by the Israel Ministry of Foreign Affairs Publication, on June 5 2002.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the Palestinian National Authority Report on Payments for Hafez, included with an English translated version.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the Declaration of Nimrod Guez, dated Sept. 19, 2021.

27. Attached hereto as **Exhibit 26** is a true and correct copy of the Declaration of Itzhak Ilan, dated Sept. 14, 2020.

28. Attached hereto as **Exhibit 27** is a true and correct copy of a police report on Mohamed Nazal issued by the Israel Police on May 2, 2002, included with an English translated version.

29. Attached hereto as **Exhibit 28** is a true and correct copy of a police report on Mohamed Nazal issued by the Israel Police on Apr. 24, 2002, included with an English translated version.

30. Attached hereto as **Exhibit 29** is a true and correct copy of a publication titled “Qaraq’i: 700 Military Prisoners Are Held Hostage In the Israeli Occupation's Jails,” issued by the Palestinian Ministry of Detainees on Jan. 12, 2012, included with an English translated version.

31. Attached hereto as **Exhibit 30** is a true and correct copy of a press statement titled “Al-Ajrami: Our Prisoners Are Political and Security Prisoners and They Are Victims of Israeli Violations,” issued by the Palestinian Ministry of Detainees on Sept. 9, 2008, included with an English translated version.

32. Attached hereto as **Exhibit 31** is a true and correct copy of a publication titled “Qaraq’i: We Must Take Action to Generate Solidarity with the prisoners’ families,” issued by the Palestinian Ministry of Detainees on Sept. 18, 2009, included with an English translated version.

33. Attached hereto as **Exhibit 32** is a true and correct copy of a copy of a publication titled “Qaraq’i: We Request the Inclusion of the Prisoners of 1948, Jerusalem and the Occupied Golan in the Exchange Deal,” issued by the Palestinian Ministry of Detainees, included with an English translated version.

34. Attached hereto as **Exhibit 33** is a true and correct copy of a report titled “Patterns of Global Terrorism 2002,” issued by the U.S. Department of State in April 2003.

35. Attached hereto as **Exhibit 34** is a true and correct copy of a publication issued by Al-Hadaf Magazine on July 31, 2000, included with an English translated version.

36. Attached hereto as **Exhibit 35** is a true and correct copy of the Verdict from the Judea Military Court in the Ahmed Sada Yousef Abed Alrasoul matter, included with an English translated version.

37. Attached hereto as **Exhibit 36** is a true and correct copy of a publication issued by Al-Hadaf Magazine in July 2001, included with an English translated version.

38. Attached hereto as **Exhibit 37** is a true and correct copy of a report titled “Patterns of Global Terrorism 2001,” issued by the U.S. Department of State “Patterns of Global Terrorism 2001” in May 2002.

39. Attached hereto as **Exhibit 38** is a true and correct copy of the Decision from the Jerusalem District Court in the Israel vs. Aha Gholmeh matter, included with an English translated version.

40. Attached hereto as **Exhibit 39** is a true and correct copy of the Death Certificate for Sadeq Hafez, issued by the Palestinian Ministry of the Interior, included with an English translated version.

41. Attached hereto as **Exhibit 40** is a true and correct copy of an article titled “The Popular Front Claims Responsibility for Karnei Shomron Fidai’i Attack,” published by Al Jazeera News on Feb. 17, 2002, included with an English translated version.

42. Attached hereto as **Exhibit 41** is a true and correct copy of the Translated Transcript of the Statements of Allam Kaabi, included with the Declaration of Yaniv Berman certifying translation, the video from which the statements derive, and the Declaration of Kelly Charles certifying accuracy of video.

43. Attached hereto as **Exhibit 42** is a true and correct copy of a publication regarding Sadeq Hafez, issued by the Popular Front for the Liberation of Palestine (“PFLP”), included with an English translated version.

44. Attached hereto as **Exhibit 43** is a true and correct copy of a publication regarding Shadi Nassar, issued by the PFLP, included with an English translated version.

45. Attached hereto as **Exhibit 44** is a true and correct copy of a publication regarding Sa’id Al-Majdalawi, issued by the PFLP, included with an English translated version.

46. Attached here to as **Exhibit 45** is a true and correct copy of the Estate Administrator Appointment for Rachel Thaler, included with an English translated version.

47. Attached here to as **Exhibit 46** is a true and correct copy of the Estate Administrator Appointment for Karen Shatsky, included with an English translated version.

48. Attached here to as **Exhibit 47** is a true and correct copy of Yael Trattner’s birth certificate.

49. Attached here to as **Exhibit 48** is a true and correct copy of the excerpts from the Feb. 11, 2013 transcript of the Deposition of Chani Edri.

50. Attached here to as **Exhibit 49** is a true and correct copy of the excerpts from the Feb. 12, 2013 transcript of the Deposition of Hillel Trattner.

51. Attached here to as **Exhibit 50** is a true and correct copy of the excerpts from the Feb. 6, 2013 transcript of the Deposition of Leor Thaler.

52. Attached here to as **Exhibit 51** is a true and correct copy of the Psychological Evaluation of Leor Thaler.

53. Attached here to as **Exhibit 52** is a true and correct copy of the Inheritance Order for Keren Shatsky, included with an English translated version.

54. Attached here to as **Exhibit 53** is a true and correct copy of the U.S. Passports for Tzipora Shatsky and David Shatsky.¹

55. Attached here to as **Exhibit 54** is a true and correct copy of the U.S. Passport for Aron Trattner.

56. Attached here to as **Exhibit 55** is a true and correct copy of the U.S. Passport for Chana Freedman.

57. Attached here to as **Exhibit 56** is a true and correct copy of the U.S. Passport for Hillel Trattner.

58. Attached here to as **Exhibit 57** is a true and correct copy of the U.S. Passport for Miriam Shatsky.

59. Attached here to as **Exhibit 58** is a true and correct copy of the U.S. Passport for Sara Shatsky.

¹ Please note that copies of the passports (Exhibits 53 – 67) contain redactions their original scanned copies that cannot be removed. As a result, Plaintiffs are not able to provide clean or highlighted copies.

60. Attached here to as **Exhibit 59** is a true and correct copy of the U.S. Passport for Shelley Trattner.

61. Attached here to as **Exhibit 60** is a true and correct copy of the U.S. Passport for Steven Braun.

62. Attached here to as **Exhibit 61** is a true and correct copy of the U.S. Passport for Yoseph Shatsky.

63. Attached here to as **Exhibit 62** is a true and correct copy of the U.S. Passports for Isaac Thaler and Leor Thaler.

64. Attached here to as **Exhibit 63** is a true and correct copy of the U.S. Passports for Jo Anne Shatsky and Shabtai Shatsky

65. Attached here to as **Exhibit 64** is a true and correct copy of the U.S. Passport for Miriam Friedman.

66. Attached here to as **Exhibit 65** is a true and correct copy of the U.S. Passports for Yehiel Friedman and Bella Friedman.

67. Attached here to as **Exhibit 66** is a true and correct copy of the U.S. Passports for Zvi Friedman and Ilan Friedman.

68. Attached here to as **Exhibit 67** is a true and correct copy of the U.S. Passports for Zvi Thaler, Leor Thaler, and Rachel Thaler.

69. Attached here to as **Exhibit 68** is a true and correct copy of the excerpts from the Feb. 12, 2013 transcript of the Deposition of Ronit Trattner.

70. Attached here to as **Exhibit 69** is a true and correct copy of the excerpts from the Feb. 5, 2013 transcript of the Deposition of Steven Braun.

71. Attached hereto as **Exhibit 70** is a true and correct copy of the Decision from the Tel Aviv-Jaffa District Court in the Goldman et al. v. Palestinian Authority matter, included with an English translated version.

72. Attached hereto as **Exhibit 71** is a true and correct copy of the Financial Account Report for Raed Nazal, issued by the Palestine Liberation Organization, included with an English translated version.

73. Attached hereto as **Exhibit 72** is a true and correct copy of the Judgment from the Israel Military Court of Appeals for Raed Nazal, included with an English translated version.

74. Attached hereto as **Exhibit 73** is a true and correct copy of a Report from the Israel Military Court of Appeals regarding Raed Nazal, issued on Aug. 23, 1990, included with an English translated version.

75. Attached hereto as **Exhibit 74** is a true and correct copy of the Order for Photography Report requested by Jenin Investigations regarding victim Jamil Manatzra, included with an English translated version.

76. Attached hereto as **Exhibit 75** is a true and correct copy of a Forensic Report issued by the Israel Ministry of Health regarding victim Jamil Manatzra, included with an English translated version.

77. Attached hereto as **Exhibit 76** is a true and correct copy of the Judgment from the Israel Military Court on the Nuraddin Said Daoud matter, included with an English translated version.

78. Attached hereto as **Exhibit 77** is a true and correct copy of a publication titled “Shahid Raed Nazal, a Man of Convictions and of Overflowing Revolutionary Faith,” issued by PFLP on May 13, 2012, included with an English translated version.

79. Attached hereto as **Exhibit 78** is a true and correct copy of a publication titled “Once there was ... Raed Nazal ‘Abu al-Asir,’” issued by PFLP on Apr. 26, 2012, included with an English translated version.

80. Attached hereto as **Exhibit 79** is a true and correct copy of a publication titled “Once there was ... Raed Nazal ‘Abu al-Asir,’” issued by Al-Hadaf Magazine on May 15, 2012, included with an English translated version.

81. Attached hereto as **Exhibit 80** is a true and correct copy of the Transcript of the Examination of Yousef Ahmad Jubran on Dec. 22, 2010 in Tel Aviv Yaffo District Court, included with an English translated version.

82. Attached hereto as **Exhibit 81** is a true and correct copy of a publication titled “Courses of Action and Strategies of the Ministry of Detainees and Ex-Detainees Affairs,” **issued by the Palestinian Ministry of Detainees**, included with an English translated version.

83. Attached hereto as **Exhibit 82** is a true and correct copy of the Statement of Payments for Mohamed Nazal, issued by the Palestinian Ministry of Detainees, included with an English translated version.

84. Attached hereto as **Exhibit 83** is a true and correct copy of the Statement of Payments for Jamal Hindi, issued by the Palestinian Ministry of Detainees, included with an English translated version.

85. Attached hereto as **Exhibit 84** is a true and correct copy of the Statement of Payments for Yousef Ra’i, issued by Palestinian Ministry of Detainees, included with an English translated version.

86. Attached hereto as **Exhibit 85** is a true and correct copy of the Detainee's Primary Form for Maher Ra'i, issued by the Palestinian Ministry of Detainees, included with an English translated version.

87. Attached hereto as **Exhibit 86** is a true and correct copy of the Detention and Payment Report for Maher Ra'i, included with an English translated version.

88. Attached hereto as **Exhibit 87** is a true and correct copy of the Statement of Payments to Margaret al-Ra'i, issued by the Palestinian Ministry of Detainees, included with an English translated version.

89. Attached hereto as **Exhibit 88** is a true and correct copy of a report titled "Country Reports on Human Rights Practices for 2001," issued by the U.S. Department of State in April 2002.

90. Attached hereto as **Exhibit 89** is a true and correct copy of a report titled "Country Reports on Human rights Practices for 2002," issued by the U.S. Department of State in July 2003.

91. Attached hereto as **Exhibit 90** is a true and correct copy of Report 2 Pursuant to Title VIII of Public Law 101-246.

92. Attached hereto as **Exhibit 91** is a true and correct copy of Report 3 Pursuant to Title VIII of Public Law 101-246.

93. Attached hereto as **Exhibit 92** is a true and correct copy of a video titled "Arafat ran Intifada – Mazan," available at <https://www.youtube.com/watch?v=a-WYBPmhm4c> (last accessed Oct. 4, 2021).

94. Attached hereto as **Exhibit 93** is a true and correct copy of a publication titled "Al-Barghouthi: The Key of the Intifada is not in My Hand, and Abu Ammar will Never Order to Stop It," issued by Al-Hayat al-Jadida, included with an English translated version.

95. Attached hereto as **Exhibit 94** is a true and correct copy of a video titled “Dahlan – Arafat deceived the world,” available at <https://www.youtube.com/watch?v=lr3-Vileiew&t=2s> (last accessed Oct. 4, 2021).

96. Attached hereto as **Exhibit 95** is a true and correct copy of the Transcript for Hearing Before the Congressional Subcommittee on the Middle East and South Asia, on July 11, 2002.

97. Attached hereto as **Exhibit 96** is a true and correct copy of the Verdict from the Tel Aviv-Jaffa District Court on the Israel v. Barghouti matter, included with an English translated version.

98. Attached hereto as **Exhibit 97** is a true and correct copy of the Evaluation Report on Mohanna Halawah, issued by the State of Palestine on Apr. 27, 2010, included with an English translated version.

99. Attached hereto as **Exhibit 98** is a true and correct copy of a video titled “Dahlan PA security fought Israel – hid Hamas,” available at https://www.youtube.com/watch?v=gShK-hb_aAU (last accessed Oct. 4, 2021).

100. Attached hereto as **Exhibit 99** is a true and correct copy of a video titled “PA forces did most terrot attacks – Ajrami,” available at <https://www.youtube.com/watch?v=k871l2SkQPM&t=4s> (last accessed Oct. 4, 2021).

101. Attached hereto as **Exhibit 100** is a true and correct copy of a video titled “Sermon kill Jews everywhere Oct 13-00”, available at <https://www.youtube.com/watch?v=uwQXBgK8qls> (last accessed Oct. 4, 2021).

102. Attached hereto as **Exhibit 101** is a true and correct copy of the Transcript of Speech by PLO Representative and PA Ambassador to Libya.

103. Attached hereto as **Exhibit 102** is a true and correct copy of a video titled “Madi – Kill Jews Allah will make Muslims masters over Jews Aug 3-01,” available at <https://www.youtube.com/watch?v=uf9xNmfxUnw> (last accessed Oct. 4, 2021).

104. Attached hereto as **Exhibit 103** is a true and correct copy of a publication titled “In the Fifty Third Anniversary of the Nakba,” issued by Al-Hayat al-Jadida Magazine, included with an English translated version.

105. Attached hereto as **Exhibit 104** is a true and correct copy of the Translated Transcript of a Video Interview with Barghouti, available at <https://www.youtube.com/watch?v=Xw-3NyicqGU> (last accessed Oct. 4, 2021).

106. Attached hereto as **Exhibit 105** is a true and correct copy of a publication titled “Thousands Participate in a Symbolic Funeral in Tulkarm for Shahid Mahmoud Marmash, who Carried Out the Netanya Attack,” issued by Al-Hayat al-Jadida Magazine, included with an English translated version.

107. Attached hereto as **Exhibit 106** is a true and correct copy of a publication titled “Shahida Dalal Mughrabi ... Memories that Renew the Pledge to Continue the Struggle,” issued by Al-Hayat al-Jadida Magazine, included with an English translated version.

108. Attached hereto as **Exhibit 107** is a true and correct copy of a publication titled “Unheeded Calls” in the Editorial of The Intifada, included with an English translated version.

109. Attached hereto as **Exhibit 108** is a true and correct copy of a publication titled “Honoring the Shuhada of Qalqilya in the Second Anniversary of the Istishhad of a Leader in the Abu Ali Mustafa Brigades,” issued by Al-Hayat al-Jadida Magazine, included with an English translated version.

110. Attached hereto as **Exhibit 109** is a true and correct copy of a publication on a sporting event named after Raed Nazal, issued by Al-Hayat al-Jadida Magazine, included with an English translated version.

111. Attached hereto as **Exhibit 110** is a true and correct copy of a magazine publication titled “Al Shurta,” issued by the Palestinian National Authority in Nov. 2000, included with an English translated version.

112. Attached hereto as **Exhibit 111** is a true and correct copy of the Monthly Bulletin titled “They Are Asking You ... About Terrorism,” published by Political Guidance for the Border-Region Forces, included with an English translated version.

113. Attached hereto as **Exhibit 112** is a true and correct copy of the Monthly Bulletin titled “Ceasefire Between National Interests and International Pressures,” published by Political Guidance for the Border-Region Forces, included with an English translated version.

114. Attached hereto as **Exhibit 113** is a true and correct copy of a publication titled “Humat Al-Areen,” issued by Al-Areen Institute in 2001, included with an English translated version.

115. Attached hereto as **Exhibit 114** is a true and correct copy of a publication titled “A Shahid’s Letter to his Mother,” issued by Al-Hayat al-Jadida, included with an English translated version

116. Attached hereto as **Exhibit 115** is a true and correct copy of the email correspondence between Abbe Lowell and Defendants’ counsel, dated Apr. 16, 2021.

117. Attached hereto as **Exhibit 116** is a true and correct copy of the email correspondence between Sofia Arguello and Defendants’ counsel, dated Apr. 27, 2021.

118. Attached hereto as **Exhibit 117** is a true and correct copy of the email correspondence between Stephen Sinaiko and Defendants' counsel, dated February 12, 2021.

119. Attached hereto as **Exhibit 118** is a true and correct copy of the email correspondence between Abbe Lowell and Defendants' counsel, dated Apr. 23, 2021.

120. Attached hereto as **Exhibit 119** is a true and correct copy of the email correspondence between Sofia Arguello and Defendants' counsel, dated Apr. 29, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 4, 2021 in New York, New York.

s/ Abbe David Lowell
Abbe David Lowell